

**PERSONNEL RULES
OF THE CITY OF SAN LEANDRO
SAN LEANDRO, CALIFORNIA**

The Personnel Relations Board is authorized and directed under the provisions of City Council Ordinance No. 78-54 to adopt comprehensive rules for the administration of the merit personnel program.

RULE I

DEFINITION OF TERMS

The following terms, whenever used in these rules, shall be construed as follows:

“Academy Graduate-Police Officer” - An applicant who, within the last three (3) years, has completed all of the required courses and graduated from a State of California Peace Officer Standards and Training (POST) Basic Law Enforcement Academy.

“Acting Appointment” - Assignment of a person to a position temporarily vacant during extended leave to act on the part of an employee normally filling such position.

“Allocation” – The grouping of all position having duties, authority and responsibilities of a similar nature into the same classification.

“Applicant” – A person who has filed an application for examination.

“Appointment” – The act of filling a vacant position with an individual who has met the qualifications for the position.

“Appointing Authority or Officer” - The City Manager or other legally delegated official having the authority of appointment and removal of employees.

“Board” - The Personnel Relations Board, established pursuant to Section 350 of the City Charter.

“Classification” - All positions sufficiently similar in duties, authority, responsibility and working conditions to permit grouping under a common title.

“Competitive Service” - The positions and employments occupied by full-time officers and employees which are included or which may hereinafter be included under the provisions of the merit personnel program.

“Continuous Recruitment” – An open-competitive recruitment which is conducted periodically, application for which is continuously accepted.

“Demotion” - A change in employment status from one position to another having a lower maximum rate of pay, or change in duties to a class having a lower maximum rate of pay.

“Discharge” – A separation from employment as a disciplinary measure or for failure to maintain requirements of minimum qualifications.

“Domestic Partner” – A person who has registered for a Certification of Domestic Partnership and who is in a committed relationship with a City employee, in which two (2) cohabiting, unrelated people over the age of 18 reside together and share common responsibility for the necessities of life.

“Eligible Candidate” – Any individual who has successfully passed a competitive examination or interview and who has his/her name placed on an eligible list.

“Eligible List” – A list of eligible candidates for a position ranked according to the score they received on a competitive examination and/or interview process.

“Employment List” - Any eligible, promotional, or reemployment list maintained by the City.

“Examination” - A testing of candidates to determine their particular qualifications for a class in the competitive service.

“Final Score” - The final percentage attained by a candidate in an examination as computed from the percentages earned in each part of such examination, weighted as set forth in the examination announcement.

“Immediate Family” - As used in Rule X - Attendance and Leaves, Section 2, Sick Leave, immediate family includes the employee’s spouse, registered domestic partner, children, stepchildren, parents, grandparents and step parents, and/or any other individual (relative) with whom there was a child-rearing relationship. A child-rearing relationship occurs when the individual is a permanent household member(s) and whose well-being is dependent on the employee’s care.

As used in Rule X - Attendance and Leaves, Section 3, Funeral Leave, the immediate family includes the employee's spouse, registered domestic partner, child(ren), parents, siblings, grandparents, parent(s)-in-law, or stepparent(s) and/or any other individual (relative) with whom there was a child-rearing relationship. A child-rearing relationship occurs when the individual is a permanent household member(s) and whose well-being is dependent on the employee’s care.

“Lateral Applicant-Jailer”- An applicant who possesses a valid State of California certification from the Department of Corrections – Standardized Training in Corrections, or is currently working in the job classification as Jailer, or has worked in the job classification within one (1) year of application, and can show proof of successful completion of that agency-specific internal training program.

“Lateral Applicant-Police Officer”- An applicant who possesses a valid State of California Peace Officer Standards and Training (POST) Basic Certificate or is currently working as a police officer, or has worked in the job classification within one (1) year of application, and can show proof of successful completion of agency-specific field training program.

“Lateral Applicant-Public Safety Dispatcher”- An applicant who possesses a valid State of California Peace Officer Standards and Training (POST) Basic Certificate or is currently working in the job classification of Public Safety Dispatcher, or has worked in that job classification within one (1) year of application, and can show proof of successful completion of the agency-specific dispatcher training program.

“Lay-Off” - The termination of an employee in the competitive service because of material change in duties or organization, or shortage of work or funds.

“Municipal Employee Relations Officer” - The City Manager.

“Pay Advancement” – The incremental increase in pay granted to an employee within a salary range.

“Pay Reduction” – A decrease in pay within a salary range.

“Permanent Status Employee” - An employee who has successfully completed the probationary period and has been retained as hereinafter provided in these rules.

“Probationary Period” – A test period during which the employee is required to demonstrate the capability to fulfill essential duties and the ability to establish effective working relationships with fellow employees.

“Probationary Release” - The separation of an employee from the service during the probationary period.

“Promotion” - A change in employment status from a position in one class to one in another having a higher maximum rate of pay.

“Promotional Employment List” - An employment list of names of persons arranged in order of rating/scores resulting from a promotional examination.

“Provisional Appointment” – The assignment of a person to a vacant position for which no employment list is available.

“Reinstatement” – The restoration of an employee to a previous position after layoff, sick leave, suspension or resignation.

“Resignation” – The voluntary separation of an employee from employment.

“Retired Employee” - A person who terminated City service by applying for retirement under the provisions of the California Public Employees’ Retirement System and who has entered retirement within two (2) years of such application.

“Selection Process” – The process of evaluating applicants for the competitive civil service. The selection process includes recruitment, application, screening, examination, certification, interview, appointment and the probationary process.

“Seniority” – The total amount of actual continuous service as a regular full-time employee, excluding unpaid leaves of absence and suspensions.

“Separation” – The cessation of a person’s employment from City service, including but not limited to resignation, medical separation, retirement, conclusion of appointment, removal and discharge.

“**Series**” – A subdivision of a group in the classification plan, being a collection of classes in one occupational group having similar duties but usually at different pay schedules.

“**Suspension**” - The temporary separation from the service of an employee without pay for disciplinary purposes.

RULE II

GENERAL PROVISIONS

Section 1. ***Equal Opportunity*** - All persons, regardless of race, color, religion, sex, national origin, ancestry, age, marital status, sexual orientation, political affiliations, or physical disability shall have equal access to positions in the City of San Leandro, limited only by their ability to do the job. The City shall make every effort to ensure that positions in the competitive service are genuinely and equally accessible to qualified persons.

Section 2. ***Violation of Rules*** – Any violation of these rules or of the City Charter shall be sufficient grounds for rejection, dismissal, discharge or suspension of an employee or reduction in such employee’s pay.

Section 3. ***Amendments*** - Requests for amendments to these rules may be made by a Board Member, the City Manager, the Human Resources Manager or any employee.

Prior to the Board’s consideration of an amendment, the Board shall have provided them by the Human Resources Manager a copy of the proposed amendment. These rules may be amended at any meeting upon the majority vote of the Board.

Section 4. ***Staff Assistance to the Board*** - The Human Resources Manager or his/her designee shall attend all meetings of the Board. The Human Resources Manager, acting as Executive Secretary, shall provide staff assistance to the Board during its deliberations.

RULE III

PERSONNEL RELATIONS BOARD

Section 1. ***Meetings-Regular-Special***: All regular and special meetings of the Board shall be open to the public, except that, upon a majority vote and in compliance with State law, the Board may meet in executive session. Regular meetings shall be held on the third Thursday of the first month of each calendar quarter. Special meetings may be held at any time upon 24-hours written notice by the Secretary upon request of any member of the Board.

(a) **Quorum**: A simple majority of the Board shall constitute a quorum.

(b) **Rules of Order**: “Robert’s Rules of Order” shall be the final authority on all questions of procedure and parliamentary law not otherwise provided for by the Rules.

(c) **Meetings**: All regular and special meetings shall be called to order in City Hall or within City of San Leandro city limits.

Section 2. ***Election of Chair:*** At the first regular meeting in July, the Board shall elect one of its members as Chair, who shall be its presiding officer, to serve for one (1) year, and shall elect one of its members as Vice Chair, , who shall fulfill the duties of Chair upon the absence of the Chair at a meeting, resignation or other disability of the Chair. The Chair is hereby designated as the official upon whom all official documents pertaining to Board matters shall be served or filed.

RULE IV

CLASSIFICATION PLAN

Section 1. ***Preparation of Classification Plan:*** After consulting with appointing authority and heads of departments affected, the Human Resources Manager, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the City service. The Human Resources Manager shall recommend to the Board a classification plan for such positions. The classification plan so developed shall group positions in the City service into classes, as defined by written class specifications. Each class specification shall outline the main characteristics and desirable qualification requirements of positions allocated to the class and give examples of duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties of related kind, character or lesser skills. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment, as an aid in the preparation of competitive examinations, and for use in determining the relative value of positions in one class with positions in other classes.

Each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirements as to training, experience, knowledge, skills and abilities may apply; and that the same salary range may be made to apply with reasonable equity to all positions in the same class.

In the preparation of the classification plan, the Human Resources Manager shall allocate every position in the competitive service to one of the classes established by the plan.

Section 2. ***Adoption of Plan:*** Before the classification plan or any part thereof becomes effective, it shall first be approved in whole or in part by the Board.

Section 3. ***Revisions of the Classification Plan:*** The Human Resources Manager shall conduct necessary reviews and prepare recommendations for action by the Board so that the classification plan is kept current and that changes in existing classes, the establishment of new classes, or the abolition of classes are properly reflected in the classification plan.

The Human Resources Manager shall re-allocate any position from one class to another class whenever a change in duties and responsibilities of such position makes the class to which the position was previously allocated no longer applicable. Any

proposed re-allocation shall be made with the knowledge of the employee and department head(s) concerned.

No person shall be appointed or employed to fill any position until the classification plan has been amended to provide therefor.

RULE V

APPLICATION AND APPLICANTS

- Section 1. ***Announcement of Examinations:*** Whenever an open-competitive examination is to be given for a class in the competitive service, the Human Resources Manager shall cause to be published, prior to the date of the first part of the examination, a notice inviting the filing of applications. The notice shall be published at least once in a newspaper of general circulation within the City, on the City Hall bulletin board and on the City's website. The provisions in this paragraph shall not apply to continuous examinations. Open-competitive and promotional examination announcements shall be posted prominently on the City Hall bulletin board and with departments through the City's electronic mail system. These examination announcements must contain the job title, compensation, duties and responsibilities, minimum qualifications, where applications can be obtained and the final date on which applications will be accepted. The announcement may also contain such additional information as deemed desirable by the Human Resources Manager.
- Section 2. ***Applications:*** Each candidate interested in City employment or promotional opportunity must file an official application with the Human Resources Department within the established filing period. A separate application must be submitted for each position sought. The application must be submitted during the announced recruitment period through the City's electronic application program on the City's website. The application form must be completed in sufficient detail to allow a job-related, comprehensive review and evaluation of the applicant's qualifications. Failure to file the application during the recruitment period or to complete the application in sufficient detail will constitute failure of the initial step in the examination process and the application will be disqualified. It is the applicant's responsibility to notify the Human Resources Department of any change in contact information during the recruitment process. Once submitted, applications become the property of the City of San Leandro. A supplemental questionnaire may be required of the applicant during the employment screening process. The person applying must sign or certify all applications as required by the electronic application program on the City's website. The Human Resources Department will retain job applications on file for one (1) year from the date of submission.
- Section 3. ***Acceptance of Applications:*** Applications for open-competitive examinations shall be considered only if the application is filed in the manner specified in these rules and upon the form furnished by the Human Resources Manager, and if the application has not been rejected in accordance with the provision of these rules.
- Section 4. ***Disqualification of Applicants:*** Factors applicants may be disqualified from consideration for employment include, but are not limited to:

- (a) does not possess the minimum qualifications required for the position;
- (b) is unable to perform the essential job functions of the position for which s/he has applied, with or without reasonable accommodation;
- (c) has made a false statement of material fact, or has practiced, or attempted to practice, deception or fraud in his/her application or during the interview phase;
- (d) incomplete application submitted;
- (e) or for other good and sufficient reason.

Any applicant who has been accepted, but who later is found to have any of the above factors apply, may be discontinued from further competition or removed from the eligible list resulting from the examination.

Candidates who fail or are disqualified from the selection process for a position will be allowed to reapply in one (1) year from the date of his/her most recent application for the same position. If an applicant's name was certified to the employment list in a previous recruitment, such applicant cannot reapply to a subsequent recruitment for the same position until his/her name has expired from the eligible list.

Section 5. ***Disqualified Applications:*** All disqualified applicants shall be informed of the reason for non-acceptance, removal from competition, or removal from an employment list, either in writing or orally, with an appropriate written notation being made in the recruitment files.

Conviction of a felony or misdemeanor, including pleas of guilty and nolo contendere, shall disqualify an applicant from employment by the City of San Leandro unless the Human Resources Manager specifically determines that circumstances relating to the conviction are not such as to require disqualification. In making such determination, the Human Resources Manager shall consider the following factors:

- (a) the employment classification to which the person is applying or being certified, including its sensitivity;
- (b) the nature and seriousness of the conduct;
- (c) the circumstances surrounding the conduct;
- (d) the recency of the conduct;
- (e) the age of the individual at the time of the conduct;
- (f) contributing social or environmental conditions; and
- (g) the presence or absence of rehabilitation or efforts at rehabilitation.

The Human Resources Manager shall give notice of disqualification to any applicant disqualified under this provision. Such notice may be by oral or written notice to the applicant.

RULE VI EXAMINATIONS

Section 1. ***Subjects and Methods of Examinations:*** Examinations shall be administered to measure the knowledge, skills and abilities of an individual to competently perform the duties of the position and/or classification being tested. Examinations shall consist of one or more of the following parts:

- (a) ***Subject Matter Written Exercises:*** Measures the applicant's capability of adequately performing the duties of a position and/or classification.
- (b) ***Educational:*** Assesses a candidate's quality of education as it relates to the position and/or classification being tested.
- (c) ***Job Experience:*** Assesses job experiences relative to the position and/or classification a candidate is seeking.
- (d) ***Physical Agility and/or Medical Condition:*** Determines a candidate's physical strength/agility and/or job-related medical fitness.
- (e) ***Personal Interview:*** Evaluates the training, experience and other related qualifications of a candidate.
- (f) ***Demonstration:*** Practical tests that show a candidate's skill and manual ability through actual performance.
- (g) ***Probationary Period:*** Assesses a candidate's effective overall job performance over a specified period of time.
- (h) ***Acting Assignment:*** Assesses an employee's ability to effectively perform the duties of a higher position or classification.
- (i) ***Background:*** Evaluates, through review of a candidate's personal history and employment background, personal characteristics that are directly-related and pertinent to the position.
- (j) ***Written Tests:*** Tests a candidate's knowledge, skills and abilities that relate to a particular position.

Section 2. ***Conduct of Examinations:*** The Human Resources Manager shall determine the manner and method examinations shall be given. The Human Resources Manager may contract with any competent agency or individual for the preparation or scoring of examinations. The Human Resources Manager shall arrange for the use of facilities, equipment and related matters for the conduct of examinations.

Section 3. ***Regulations for Conduct of Written Tests:***

- (a) Written tests shall be held in the presence of one or more monitors.
- (b) Time limits shall be fixed by the Human Resources Manager. Candidates shall be advised of the time limits prior to the commencement of the test.
- (c) Only writing paper or test forms furnished by the monitor shall be used by the candidates.
- (d) Books of reference, equipment or data of any kind shall not be used during any test, unless specifically authorized for the test, and candidates are specifically authorized to use the same.
- (e) Communication between candidates is prohibited.
- (f) Candidates shall not leave the examination room without permission from a monitor.
- (g) All test papers shall be collected by the monitor upon the expiration of the time limit set.
- (h) Should a candidate withdraw from an examination, all test material(s) received shall be returned.
- (i) In case of any anomaly during an examination, the Human Resources Manager shall make a written report; such report shall be filed with the working papers of the examination.
- (j) The identity of each candidate shall be concealed in all written tests and shall so remain until all parts of the written test have been corrected. No marks shall be placed on any examination paper which may reveal the identity of the candidate.

Section 4. ***Continuous Examination:*** When it is determined to be in the best interest of the City, the Human Resources Manager may conduct specified examinations on a continuous basis and as applications are received. Official notice shall be published and posted as a continuous examination prior to opening of such continuous examination. One insertion of such notice in the official newspaper prior to the commencement of an open competitive continuous examination shall be sufficient notice for the entire period of such continuous examination. Promotional continuous examinations need not be published in the official newspaper. After examination, successful applicants shall be placed on an eligible list in order of final score, from the highest score to the lowest passing score. Names appearing on an employment list established under this section shall remain on the list for one (1) year. In the best interests of the City, names appearing on the list may be extended for an additional six-month period by action of the Board. Names shall not be extended for more than two (2) consecutive six (6) month periods.

Section 5. ***Percentages Required:*** Except for qualifying/non-qualifying tests, examinations shall be scored on a percentage basis. Minimum score for which eligibility may be earned shall be determined in accordance with the needs of the City. Candidates may be required to attain a specified percentage in one or more tests as a condition to continue

as a candidate in the remainder of the examination. Any such specified requirement may be announced prior to the examination.

- Section 6. ***Computation of Test Scores:*** The final score of an eligible candidate shall be computed by giving due weight to each test as shown in the examination announcement. The computation of test scores shall be checked by at least two scorers in all cases before the resulting eligible list is approved.
- Section 7. ***Examination Standards in Annexations:*** The Board may set standards for examination and entrance into the competitive service of such persons or public service employees engaged in governmental functions in areas annexing into the City of San Leandro as may appear to the Board to be in the interest of the City and the competitive merit personnel program.
- Section 8. ***Notification of Results:*** Upon request, each candidate taking an examination shall be sent written notification of the results thereof, and if successful, of his/her final score and of his/her relative position on the employment list. Any candidate shall have the right to inspect his/her own written test papers when such request is made. Any error in grading or rating, if called to the attention of the Human Resources Manager within seven (7) working days after the mailing of test results, shall be corrected; correction shall not, however, automatically invalidate certification or appointment previously made.
- Section 9. ***Examination Records:*** The records of an examination are working papers and not public documents. Information concerning the results of an examination shall not be made public until after the employment list has been developed. Examination papers of eligible candidates shall be preserved during the life of the eligible list. Candidates may inspect their own examination papers subject to supervision by the Human Resources Manager.
- Section 10. ***Promotional Examinations:*** As authorized by the Human Resources Manager, promotional examinations may be conducted and limited to City employees with permanent status who meet the minimum qualifications of a posted position.
- Section 11. ***Veterans Preference:*** An honorably discharged veteran of the Armed Forces of the United States shall be given an additional three percent (3%) to his/her examination score if, within five (5) years of separation from full-time active service, s/he fulfilled a minimum of three (3) consecutive years of full-time active service in the military.-In the case of promotional examinations, no credit for veteran's preference shall be allowed.
- Section 12. ***Exemptions from Qualifying Written Tests:*** Academy Graduate-Police Officer, Lateral Applicant-Police Officer candidates are exempt from passing a qualifying written exam.
- Section 13. ***"Ban the Box" Legislation:*** In compliance with State law that prohibits public agencies from requiring applicants to disclose information regarding criminal convictions, the City will not collect this information on the employment application. Information regarding criminal convictions will be requested after it is determined that an applicant meets the minimum employment qualifications.

RULE VII

EMPLOYMENT LISTS

- Section 1. ***Employment List:*** As soon as possible after the conclusion of an examination, the Human Resources Manager shall prepare and keep available an employment list consisting of the names of persons successfully passing the examination, arranged in order of final scores earned, from the highest score to the lowest qualifying score, rounded off to the nearest whole number. The final score shall be determined by the total of scores received by each qualifying candidate for each part of the examination based upon the relative value assigned to each part of the examination. Whenever identical final scores are earned by more than one candidate, the names of these candidates shall be shown as occupying the same position on the employment list.
- Section 2. ***Duration of Employment Lists:*** Employment and promotional lists shall become effective upon approval by the Human Resources Manager. Employment and promotional lists shall remain in effect one (1) year, unless terminated earlier as hereinafter provided, and may be extended by action of the Board for additional six (6) month periods. Normally, an employment or promotional list shall not remain in effect for more than two (2) years, but to further the best interest of the City, such lists may be extended beyond this period. Names appearing on employment lists by reason of lay-offs shall remain on such lists for two (2) years from the date of the lay-off.
- Section 3. ***Abolishment of Employment Lists:*** An employment list may be abolished prior to its expiration date upon recommendation of the Human Resources Manager and approval by the Board. Such action shall be permitted only when it is considered to be in the best interest of the City.
- Section 4. ***Reinstatement of Names to List:*** The Human Resources Manager may reinstate a person who was on an active employment list but joined or was inducted into the Armed Forces of the United States. To be considered for reinstatement on such an employment list or for subsequent lists, a candidate released from active duty must apply for reinstatement within thirty (30) calendar days of their release from active duty.
- To request such action, the candidate shall present to the Human Resources Manager official documents indicating an honorable discharge and demonstrate that he/she meets the current minimum requirements for the position.
- Upon recommendation of the Human Resources Manager and approval of the Board, the requester may be placed on an employment list in a position determined by the final score earned in the examination. The requester's name may remain on such list for the balance of the period it remains in effect.
- Section 5. ***Removal of Names from Lists:*** The name of any person appearing on an employment or promotional list may be removed by the Human Resources Manager:

- (a) If the person requests that his/her name be removed;

- (b) If the person fails to respond to an e-mail or telephone notice within forty-eight (48) hours;
- (c) If the person fails to respond within five (5) working days to a written notice sent, in the event the candidate does not provide an e-mail address or telephone contact number; or
- (d) If the person has been certified or has elected to be passed twice and has not been appointed.

Persons affected shall be notified of the removal of their name. The names of persons on promotional employment lists who resign from City service shall be removed from such lists.

Section 6. ***Passing of Names on Lists:*** Any person on an employment list who temporarily desires not to be considered for an appointment may request that his/her name be passed. If such request is received before certification of eligible candidates by the Human Resources Manager, the person shall not be certified during this temporary period. If the request is received from a person who has already been certified, the Human Resources Manager shall certify additional name(s) in his/her place. This request to waive consideration by the individual will be acknowledged and noted on the employment list.

Section 7. ***Position on List:*** During the life of a list, except a continuous employment list, the persons listed thereon shall retain their respective positions except for:

- (a) Names removed by appointment;
- (b) Names removed in accordance with the provisions of this Rule; or
- (c) Names removed in accordance with the provisions of these Rules, pertaining to Disqualification of Applicants.

Neither the passing of a person at his/her request, or because of military service, nor the consideration of a person for appointment, until subsequent to the second time so certified, shall affect such position on the employment list.

Section 8. ***Consolidation of Lists:*** Employment lists pertaining to any given classification may be consolidated, and positions on that employment list assigned on the basis of the earned scores, upon the recommendation of the Human Resources Manager and approval of the Board. Eligible candidates listed on the oldest employment list so consolidated shall not, as a result of such consolidation, have their eligibility extended in any case beyond two (2) years.

Section 9. ***Effective Utilization of Lists:*** The objective of this section is to provide effective personnel service to City departments by facilitating the prompt employment of well-qualified persons by these departments.

The Human Resources Manager may authorize the use of an existing employment list to establish eligibility for employment for positions in comparable or less responsible classifications.

RULE VIII

METHOD OF FILLING VACANCIES

- Section 1. ***Types of Appointment:*** Vacancies in the competitive service shall be filled by reinstatement, transfer, demotion, re-employment and/or from an appropriate employment list. The type or types of appointment utilized is to be in the best interest of the City, as determined by the Human Resources Manager. In the absence of persons eligible for appointment in these ways, provisional appointments may be permitted in accordance with these Rules.
- Section 2. ***Notice to Human Resources:*** When a vacancy in the competitive service is to be filled, the appropriate department head shall notify the Human Resources Manager. The Human Resources Manager shall advise the department head as to persons available for reinstatement, transfer, demotion, or re-employment and of persons on employment or promotional lists.
- Section 3. ***Certification of Eligible from Employment Lists:*** Starting from the top score, the number of positions to be certified normally shall exceed by two the number of vacancies to be filled. If there are more names available for referral, they may be certified at the request of the department head up to an including a maximum of seven (7) ranks. Upon the department head's request and the Human Resources Manager's approval, names of full-time permanent employees may be certified from the appropriate employment list on a promotional basis. Such certification shall be in the order in which the permanent employee's name appears on the employment list. The Board may, when it appears to be for the best interest of the City, increase the number of names to be certified. If insufficient names are available to meet this requirement, then the person(s) so certified may be granted provisional appointment until additional eligible candidates can be certified after examination. Any certified eligible candidate may be given probationary status appointment. For management and sworn classifications, the entire list normally shall be certified.
- Section 4. ***Appointment:*** After interview and investigation of one or more of the persons certified, the department head concerned shall recommend appointment from among those certified, and shall immediately notify the Human Resources Manager of the person(s) recommended for appointment by the City Manager. The City Manager may or may not approve the recommendation. After City Manager approval, the department head shall thereupon notify the person so approved, and if the person accepts the appointment and reports for duty within such period of time as prescribed, he/she shall be deemed to be appointed; otherwise he/she shall be deemed to have declined the appointment.
- Section 5. ***Provisional Appointment:*** In the absence of sufficient eligible candidates on appropriate employment lists from which regular appointments may be made, a person possessing necessary knowledge, skills and abilities and related qualifications for the vacant position may be given a provisional appointment pending the establishment of an employment list. The Human Resources Manager shall determine and certify that such a person meets the necessary minimum qualifications, and no person shall be so appointed that his/her total service aggregates more than six (6) consecutive months in

any fiscal year. Up to six (6) consecutive months of additional service may be granted upon the recommendation of the department head and approval of the Human Resources Manager. Time worked in provisional status may be credited to the probationary period.

Section 6. ***Emergency Appointments:*** To meet the immediate requirements of an emergency condition which threatens public life or property, any legally competent officer or employee may employ such persons as may be needed without regard to the Personnel Rules affecting appointments. As soon as possible such appointments shall be reported to the Board. In no event shall emergency appointments exceed ten (10) working days.

Section 7. ***Reinstatement:*** Upon the recommendation of the Human Resources Manager and City Manager, a permanent or probationary status employee who has resigned with a good record and no pending disciplinary actions may be reinstated within one (1) year of the effective date of his/her resignation, to a vacant position in the same or comparable class.

RULE IX

PROBATIONARY PERIOD

Section 1. ***Purpose of Probationary Period:*** The probationary period is an intrinsic part of the employee selection process. It shall be used for closely observing the employee's work performance and conduct, for the most effective adjustment of an employee to his/her position and for releasing any probationary employee whose performance does not meet required standards.

Section 2. ***Length of Probationary Period:*** All appointments from employment lists to permanent positions shall be tentative and subject to a probationary period. Such probationary period generally shall be twelve (12) months. However, for the classifications of Police Officer, except for those Police Officers hired through the Lateral Transfer Program and for whom the above twelve (12) month provisions apply, the probationary period generally shall be for twenty-four (24) months. For the classification of Public Safety Dispatcher, the probationary period generally shall be for eighteen months. Upon the recommendation of the department head and the approval of the Human Resources Manager, in individual cases the probationary period may be shortened or extended up to six (6) months.

If the services of the probationer have been satisfactory to the department head, the department head shall file a statement in writing to indicate that the retention of such employee is desired. If such a statement is not filed, the employee's performance will be deemed to have been unsatisfactory and his/her employment terminated.

Section 3. ***Release of Probationer:*** During the probationary period, any employee may be released for any reason which in the sole opinion of the City, is just and sufficient. Such release shall not be subject to any appeal. Notification of release in writing shall be provided to the probationer, and a copy filed in the probationer's personnel office file.

Section 4. ***Release of Probationer Following Promotion:*** Any employee released during the probationary period following a promotional appointment or because a statement is not submitted by the department head indicating that the employee's services have been satisfactory, shall be reinstated to the classification from which the employee was promoted unless he/she is discharged for cause.

RULE X

ATTENDANCE AND LEAVES

Provisions of this Rule do not apply to classifications represented by the San Leandro City Employees' Association, the San Leandro Management Organization, San Leandro Police Management Unit and the San Leandro Police Officers' Association if otherwise expressly contained in their respective Memorandum of Understanding. The following provisions otherwise apply to all full-time City employment classifications.

Section 1. ***Vacation Leave:*** The purpose of annual vacation leave is to enable each eligible employee to return to work physically and mentally refreshed. In the administration of this section, administrative personnel shall be guided by this stated purpose. The time at which an employee shall take vacation leave during the calendar year shall be determined with due regard for wishes of the employee, and particular regard for the needs of the department. Full vacation leave shall be taken at one time. However, the department head under appropriate circumstances may permit a modification of this requirement.

Vacation leave for each full-time employee shall be accrued and credited immediately following the pay period in which it is earned.

An employee holding a full-time position shall be entitled to vacation leave which shall accrue at the rate of twelve (12) days for each calendar year of service performed. If a newly hired employee possesses five (5) years of experience in the field in which he/she is hired, he/she shall accrue vacation leave at the rate of fifteen (15) days for each calendar year of service performed. Accrual rates change in the pay period in which the employee's anniversary date falls.

In the year in which an employee holding a full-time position completed five full years of City service, such employee shall be entitled to fifteen and three-quarters (15-3/4) work days of vacation. For each full year of full-time City service completed thereafter, three-quarters (3/4) of a work date vacation shall be added up to a maximum of twenty-five (25) work days of vacation.

In the event one or more municipal holidays fall within a vacation leave, such days shall not be charged as vacation leave and the vacation leave shall be extended accordingly for those employees eligible for such holidays.

Upon the approval of the department head, vacation leave may be accumulated to a maximum of two (2) years' vacation entitlement, except as hereinafter provided, and taken in one (1) calendar year. Such approval shall be recorded in the employee's personnel file. An employee who fails to take accrued vacation leave within the time herein prescribed shall lose such accrued vacation leave.

An employee who is in unpaid status for forty-four (44) or more hours in a given pay period shall not accrue vacation leave for that pay period.

Upon being separated from City service, an eligible employee shall be entitled to compensation for any accrued but unused vacation calculated at the rate of pay at the time of termination.

Section 2. ***Sick Leave:*** The objective of this section is to provide orderly methods of furthering the health and safety of each employee as well as aiding in the maintenance of productivity.

Sick leave, under this rule, is not a right which an employee can use at his/her discretion, but a privilege which can be allowed only in case of actual sickness or injury of such employee or of a member of the immediate family which compels an employee to be absent from work. In instances when an employee cannot report for work on a scheduled work day, he/she must comply with call-in rules established by the department head. An employee absent from work may only utilize sick leave that has been accrued and is recorded for the employee's earned leave balance.

A full-time employee may be allowed a leave from duty without loss of salary on account of sickness or injury. Sick leave with pay is accrued at the rate of one work day for each month of service beginning the first of the calendar month following full-time probationary employment.

Payment for unused sick leave will be granted to full-time regular employees with at least fifteen (15) years continuous City service at retirement, death or resignation in good standing based on salary at separation, pursuant to the following schedule: Number of sick leave days accumulated, multiplied by seven and one-half percent (7½%), multiplied by the number of whole years of service, multiplied by the hourly rate at separation.

The above formula figure of seven and one-half percent (7½%) will be adjusted to ten percent (10%) for an employee who terminated City service after completing twenty-five (25) years of continuous City service by way of service retirement, death or resignation in good standing with the City.

An employee returning to duty after an absence of more than three (3) consecutive work days without loss of salary on account of sickness or injury shall provide the immediate supervisor, for filing in the employee's medical file, a doctor's certification of the employee's inability to work.

Sick leave shall not be granted to an employee who is absent from duty due to illness or injury incurred while working for an employer other than the City of San Leandro.

The parties understand and agree that once salary continuation benefits have been exhausted, if applicable, sick leave, compensatory time and/or vacation leave that have been accrued will be coordinated with other applicable benefits, in that order, to mitigate the financial impact of an employee's absence.

An employee who is in unpaid status for forty-four (44) or more hours in a given pay period shall not accrue sick leave for such period.

Section 3. ***Funeral Leave:*** In the event of death in the immediate family of an employee, he/she shall, upon request to the supervisor and approval of the department head be granted such time off with pay as is necessary to make arrangements for the funeral and attend same, not to exceed a total of five (5) calendar days. This provision does not apply if the death and/or funeral occurs during the employee's paid vacation, or while the employee is on leave of absence, layoff, sick leave, or any other leave status.

Funeral leave applies only in instances in which the employee attends the funeral or is required to make funeral arrangements, but is not applicable for other purposes such as settling the estate of the deceased. It is understood, however, that leave, as provided in the preceding paragraph, may be granted to commence prior to the decease of a member of the employee's immediate family where death of the family member appears to be imminent.

The foregoing provisions do not apply to hourly employees. Permanent part-time employees shall be eligible for funeral leave on a pro-rated basis.

Section 4. ***Catastrophic Illness Leave:*** A full-time employee shall be eligible for the catastrophic illness leave benefit upon receiving a prior favorable recommendation from his/her respective department head concerned and the approval of the City Manager. To be eligible for leave under this section, such employee must be unable to work at the regularly assigned position or any less demanding position to which the employee may be assigned by the department head. The employee must have exhausted all accumulated sick leave, vacation, holiday, overtime and all other accumulated leave or pay benefits prior to utilizing this benefit.

Upon receiving prior approval, an employee shall be allowed catastrophic leave up to a total of one-half (three-quarters for management employees) of the accumulated sick leave the employee had when the catastrophic illness occurred to a maximum catastrophic leave of fifty (50) work days (one hundred (100) work days for management employees); an employee who does not have twenty (20) days accumulated sick leave at the time the catastrophic illness occurs may be permitted up to ten (10) working days catastrophic leave. Leave under this section shall become effective after all other paid leave is exhausted. During any period of catastrophic illness leave, the employee shall receive compensation at the rate of sixty percent (60%) (seventy percent (70%) for management employees) of his/her regular base pay.

A minimum of one (1) year must elapse following the termination of the catastrophic illness leave before an employee may be permitted further catastrophic illness leave. However, if subsequent catastrophic illness occurs within a year following the termination of the previous catastrophic illness leave, an employee may be permitted to use whatever accumulated paid leave he/she has and then whatever catastrophic illness leave he/she was eligible for but did not use.

The same principles concerning the administration of the sick leave benefit shall be used for this benefit where applicable.

Section 5. **Holidays:** Except as provided herein or included in applicable administrative procedures, all full-time regular management employees shall be entitled to the following holidays: New Year's Day; third Monday in January (Martin Luther King's Birthday); Lincoln's Birthday; third Monday in February (Washington's Birthday); last Monday in May (Memorial Day); Independence Day; Labor Day; November 11 (Veterans' Day); Thanksgiving Day; the day after Thanksgiving; one-half (1/2) day on the day before Christmas; and one-half (1/2) day on the day before New Year's Day; Christmas; one (1) floating holiday; and every day proclaimed a City holiday by the Mayor. When a day herein listed falls on an employee's regular day off, he/she shall be entitled to a day off in lieu thereof within the calendar year. The day selected shall be subject to approval of the department head. When such day herein listed falls on a Sunday, such day off in lieu thereof shall be the Monday following such Sunday, except as hereinafter provided and except if Christmas Day or New Year's Day fall on a Sunday or Monday, the one-half (1/2) day provision will be applicable the preceding Friday.

To the extent that operating conditions allow, employees are to be given the day off on the date of the holiday. Where operating conditions require established organized shifts to be regularly manned without regard to holidays, the department head shall designate by list the positions required to be manned. The list of positions so designated shall be subject to approval of the City Manager, and shall be filed with the Human Resources Manager and Finance Director. If an employee holding a position in such a list works an established organized shift on a holiday, the employee shall receive his/her regular pay plus one and one-half times his/her regular hourly rate of pay times the hours worked on the holiday. As an alternate, the employee may, by request and subject to approval by the department head, have his/her regular pay plus an equivalent number of hours' time off at a later date within the calendar year or, with special approval of the department head, within the next succeeding calendar year. When a day herein listed as a holiday falls on a regular day off for an employee holding a position on such list, such employee shall be entitled to a day off in lieu thereof at a later date within the calendar year or with special approval of the department head within the next succeeding calendar year. Such day in lieu thereof is subject to approval of the department head as to the day selected.

Section 6. **Military Leave:** Military leave shall be granted to eligible employees in accordance with the following state and federal laws: Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (Title 38, United States Code); California Military and Veterans Code section 395 et seq. and Education Code Section 89513; Title 5 (Division 5, Chapter 1, Subchapter 7, Article 5.9 Military Leave, Section 43095) and Administrative Procedure 1620, Military Leave Guidelines. An employee entitled to and taking military leave shall give his/her department head copies of order calling the employee to military duty. The department head within the limits of military necessity and regulations may determine when such leave shall be taken. Upon returning from military leave, an employee shall present to his/her department head copies of military release papers.

Military Leave – Computed as City Service: For the purpose of computing the term of service for promotional examination, the period of military leaves of absence shall be computed as part of City service. An employee, who shall take a military leave of

absence before the completion of the probationary period, shall upon return to employment, return again to probationary status per provisions of these rules governing probation.

An employee returning from military leave may be re-employed at any step of the salary range to which such employee would otherwise have been eligible had service been continuous.

Section 7. ***Leave of Absence without Pay:*** A leave of absence may be granted to an employee when it would improve the quality of the employee's job performance for the City or when such leave is in other ways considered to be in the best interest of the City service. This could include leave for such purposes as additional job related education or training, or extended illness not covered by accumulated sick leave.

For the purpose of this section, a leave of absence is defined as a privilege which may be granted to an employee wishing to leave the City service in good standing without pay for a limited period. Such employee must complete an "Unpaid Leave of Absence Request" form and submit it in accordance with Administrative Procedure 1670, Unpaid Leave of Absence Process. Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) Leaves shall be taken in accordance with Administrative Procedures 1600 and 1630 respectively and Federal/State law. Other leaves of absence shall be taken in accordance with Federal/State law.

When presenting him/herself for re-employment at the expiration of any leave of absence, an employee may be required to submit to medical examinations to determine whether or not the employee is still capable of performing the duties of the position.

Any employee leaving the competitive service before leave of absence has been granted is absent without leave and such conduct shall be proper grounds for discharge from the service. Upon the expiration of a regularly approved leave of absence, the employee shall be reinstated in the position held at the time such leave was granted, unless the employee's conduct while on such leave constitutes cause for discharge. Failure on the part of an employee on leave of absence to report for work promptly at its expiration shall be cause for discharge.

An employee who is in unpaid status for 44 or more hours in a given pay period shall not accrue sick leave or vacation leave for such period.

Section 8. ***Injury on Duty:*** When an employee is rendered incapable of performing work by injuries received or illness arising in the course of employment by the City, and such injury or illness if determined to come within the provisions of the Workers' Compensation Act, the appointing power may grant to him/her leave in accordance with Administrative Procedure 1530, Salary Continuation During Industrial Injury Leave.

When an employee has been injured in the line of duty and receives compensation in accordance with the provisions of any workers' compensation act of the State of California, the appropriate department head shall submit to the Human Resources Manager information in accordance with Administrative Procedure 1540, Reporting a Work Related Injury/Illness.

- Section 9. **Hours of Work:** A work week shall be computed as the number of hours customarily considered as a full week's work in the classification and in the department in which the person is employed.
- Section 10. **Attendance:** Employees in the competitive service shall be in attendance at their work in accordance with the rules regarding hours of work and leaves. All departments shall keep daily attendance records of employees in the competitive service which shall be reported to the Finance Director on the forms and on the dates specified. The Finance Director shall furnish the Human Resources Manager accurate and timely periodic reports on attendance records of employees in the competitive service.
- Section 11. **Medical Incapacity:** Whenever the City has cause to question an employee's physical or mental capability to perform any assigned duties, the employee may be required to submit to examinations by medical personnel designated by the City, the results of which examinations shall be forwarded to the City. Whenever such examination discloses that an employee is no longer capable of performing the duties of the position, the City shall engage the employee in an interactive process to determine which comparable and available positions, if any, for which they are qualified, physically and mentally, subject to the provisions of these rules relating to lay-offs. If an employee is no longer capable of performing the duties of any position in the City, the employee shall be removed from employment.
- Section 12. **Special Compensation – Management Personnel:** The City Manager, upon consultation with the respective department head and the Human Resources Manager, may award additional pay to managers up to forty (40) hours of compensation at his/her regular rate of pay, for the successful completion of a major program and/or project having a demonstrated significant impact on the community or the City during the preceding calendar year. Payment will occur on the pay date which covers the pay period ending January 31.
- Section 13. **Management Incentive Program:** This section is applicable to management positions as a means of developing a benefit package that compares favorably with non-management positions, to develop a more cohesive management structure, to provide such management personnel with greater incentive to more fully accept managerial responsibilities and to protect the City's considerable investment in its management personnel. Accordingly, the following incentive benefits are provided: management employees may accumulate one (1) additional year's vacation accrual beyond that provided non-management personnel. In exceptional circumstances, the City Manager has the authority to approve accumulation of vacation accrual in addition to that presently provided; unused sick leave may be accrued to a maximum of three hundred (300) work days; payment for unused sick leave will be granted to management employees, with at least ten (10) years of continuous City service at retirement or resignation in good standing, pursuant to the following schedule: Number of sick leave days accumulated, multiplied by seven and one-half percent (7½ %), multiplied by the number of whole years of service, multiplied by the hourly rate at termination. The above formula figure of seven and one-half percent (7½%) will be adjusted to ten percent (10%) for an employee who terminates City service after completing twenty-five (25) years of uninterrupted City service by way of termination, service retirement

or resignation in good standing with the City. A management employee who dies, or who incurs a permanent disability which precludes such employee from continuing City employment will receive payment for unused sick leave according to the formula described above without regard to length of continuous City service. As part of the initial hiring agreement, the City Manager may grant to a new management employee up to one-half (1/2) of that employee's sick leave accumulated from the most recent employer. Such sick leave shall not exceed twenty (20) working days. The City shall provide group term life insurance for each management employee in the amount of Fifty Thousand Dollars (\$50,000). The City Manager shall establish a schedule of non-pay items available to management personnel and shall maintain on file in the City Manager's Office and in the Human Resources Department an approved list of such items.

For a new management employee, as a part of the initial hiring agreement, the City Manager shall determine the amount of vacation leave to be granted such employee during the first full year of employment. After evaluation of such factors as quality of job performance, continuing intensity of job demands, duration of City employment and other relevant factors as determined by the City Manager, the City Manager may adjust vacation rates for current management staff personnel.

RULE XI

SALARY/WAGE ADJUSTMENTS

- Section 1. ***Application of Pay Rates:*** Employees occupying a position in a classification of the City service shall be paid a rate within the pay range established for that classification. Officers and employees reinstated or re-employed after lay-off shall receive a rate within the range established for the class to which re-employed and agreed upon the employee concerned. Transfers shall not affect an employee's pay rate unless agreed to by the employee.
- Section 2. ***Pay Advancement:*** No pay advancement shall be made so as to exceed the maximum rate established in the salary schedules. Pay advancements shall not be automatic but shall depend upon increased service value of an employee to the City and only after favorable recommendation by the department head.
- Section 3. ***Pay Reduction:*** Pay reductions may be made as a result of an employee's diminished service value; no reduction shall be made below the minimum rate established in the salary schedule for the class to which the reduced employee's position is allocated. Written notice of the reduction shall be given the employee before or within three (3) days after the effective date of the reduction.
- Section 4. ***Acting/Interim Assignments:*** The City recognizes the need to assign additional responsibilities of a higher level position to an employee on a temporary basis and to make interim and acting assignments. Higher level salary adjustments may be warranted when additional responsibilities are assigned. These assignments are subject to Administrative Procedures 1480, Assignment of Pay Differentials.

RULE XII

CHANGES IN EMPLOYMENT STATUS

Section 1. **Transfer:** After notice to the Human Resources Manager, the City Manager may transfer an employee at any time from one position to another position in the same or comparable class. If the transfer involves a change from the jurisdiction of one supervising official to another, both must consent thereto unless the City Manager determines that the transfer will advance economy or efficiency.

Except for transfer in comparable class as determined by the Human Resources Manager, a transfer shall not be used to effectuate a promotion, demotion, pay advancement, or pay reduction, each of which may be accomplished only as provided in these rules. No employee shall be transferred to a position for which that employee does not possess the minimum qualifications.

Section 2. **Promotion:** Insofar as practicable and consistent with the best interests of the service, vacancies in the competitive service shall be filled by promotion from within the competitive service after a promotional examination has been given and promotional list established.

If, in the opinion of the Human Resources Manager, a vacancy in the higher position could be filled better by an open, competitive examination instead of a promotional examination, and if there is not already a promotional list for the higher position, which list has not been abolished and from which the vacancy could be filled, the Human Resources Manager may announce an open, competitive examination. The best interest of the City is the governing factor as to whether a position is to be filled by an open competitive or promotional examination.

In the event that only one City employee submits an application through a promotional examination, the Human Resources Manager may certify the employee's name to the department head for consideration based on the employee meeting the educational, training and work experience specified in the respective classification specification.

Section 3. **Demotion:** The City Manager may demote an employee whose ability to perform required duties falls below standard, or for disciplinary purposes. Upon request of the employee, demotion may be made to a vacant position as a substitution for lay-off. No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. Written notice of the demotion shall be given the employee before or within three (3) days after the effective date of the demotion, and a copy filed with the Board.

An employee may request a demotion. Such demotion request must be made in writing. Any demotion resulting from an employee's request shall be known as a voluntary demotion and shall be so noted on official records.

RULE XIII

SEPARATION AND DISCIPLINE

Provisions of this Rule do not apply to classifications represented by the San Leandro City Employees' Association, the San Leandro Management Organization, the San Leandro Police Management Unit and the San Leandro Police Officers' Association if otherwise expressly contained in their respective Memorandum of Understanding. The following provisions otherwise apply to all full-time and permanent part-time City employment classifications.

Section 1. **Resignation:** An employee wishing to leave the City in good standing shall file with the department head at least two (2) weeks before leaving the service a written resignation stating the effective date of resignation and reasons for leaving.

The resignation shall be forwarded to the Human Resources Manager with a statement by the department head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation.

Failure of an employee to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation of an employee who fails to give notice shall be reported to the Human Resources Manager immediately.

Section 2. **Release from Service:** Probationary employees may be released from service for any reason which, in the sole opinion of the city, is just and sufficient, and such release shall not be subject to any appeal.

Section 3. **Discipline:** The City may discharge or suspend an employee, who has completed the specified probationary period, for cause including but not limited to dishonesty, insubordination, drunkenness, incompetence, willful negligence, failure to perform work as required or failure to comply with the City's reasonable rules regarding safety, conduct and operations.

Suspension: The appointing authority may suspend an employee for cause. Suspension without pay normally shall not exceed thirty (30) days. Suspensions shall be reported in writing to the Board by the Human Resources Manager.

An employee who has been suspended must be notified of the suspension in writing and this notification must be sent to the employee's last known address. This notification must inform the suspended employee that (1) the employee has a right to appeal the action taken to the Board; (2) if the employee desires to request a hearing, the request must be made in writing, stating the nature of and the reason for the appeal, and; (3) the suspended employee must present this written request for a hearing to the Human Resources Department within five (5) days from the receipt of official notification of suspension.

No appointment except a temporary appointment shall be made to fill the vacancy until the period of suspension has lapsed and the employee is finally discharged.

Discharge: If the probationary period has been completed, a discharge must be for a stated cause. Such employee must be notified in writing of the discharge, including a written statement of the reasons for such action. This notification must be sent to the employee's last known address and inform the employee that (1) he/she has a right to appeal the action taken to the Board; (2) if the employee desires to request a hearing, the request must be made in writing, stating the nature of and the reason for the appeal; and (3) the employee must present this written request for a hearing to the Human Resources Department within five (5) days from the receipt of the official notification of discharge.

Section 4. **Lay-Off:** The appointing authority may lay-off an employee in the competitive service because of material change in duties, organization or shortage of work or funds. If, by reasons of expiration of a leave of absence, reduction in personnel, demotion to the class, or other cause, there are no available positions in that class, the employee last certified to the class shall be laid off; provided, however, that if such employee obtained such position by promotion, he/she shall be demoted to the next lower class rather than laid off. Five (5) days before the effective date of a lay-off, the appointing authority shall notify the Human Resources Manager of the intended action with reasons therefore, and a statement certifying whether or not the services of the employee have been satisfactory. A copy of such notice shall be given the employee affected. If certified as having given satisfactory service, the name of the employee laid off shall be on the appropriate employee list.

Section 5. **Criminal Records:** Any employee who violates the Alameda County Regulations for the Criminal Oriented Records Production Unified System or Section 4-1-800 of the San Leandro Municipal Code relating thereto shall be subject to disciplinary action, including but not limited to termination of employment.

RULE XIV

LOCAL SAFETY MEMBER

INDUSTRIAL DISABILITY RETIREMENT

Section 1. **Industrial Disability Retirement:** The Public Employees' Retirement Law requires that a contracting agency determine whether a local safety member employee is disabled for purposes of the Public Employees' Retirement Law, whether such disability is "industrial" within the meaning of the law, and, if disabled, the effective date of disability retirement. The City Manager is hereby delegated the authority and responsibility to make such determinations on behalf of the City of San Leandro.

If the employee disagrees with the City Manager's determination, the employee may appeal such determination to CalPERS within thirty (30) calendar days from the date of official notification of the City Manager's determination. If a hearing is requested, the hearing shall be held in conformity with the California Administrative Procedures Act (APA) process and Rule XIV. A hearing officer shall be provided by the State of California Office of Administrative Hearings (OAH). The hearing officer alone shall receive documentary evidence and shall hear testimony. Strict rules of evidence shall not be adhered to. Within thirty (30) calendar days after completion of the hearing, the

hearing officer shall prepare a statement of proposed findings of fact, proposed rulings on each contested issue and a statement of the reasons for his/her ruling. Such proposed findings, rulings and statement of reasons shall be served upon the Board. The City, as represented by the Board, can then adopt the hearing officer's decision as its decision, or reject the decision without hearing additional evidence. The decision and findings are served to the member by certified mail and CalPERS notified. The member is given a specified period of time to seek judicial review. This is done by filing a Petition for Writ of Mandate in the Superior Court. CalPERS is notified after thirty (30) days if the Petition for Writ of Mandate was filed or not.

The City Manager is further authorized to apply for disability retirement of local safety member employees and to initiate requests for reinstatement of such employees who are retired for disability.

Section 2. ***Appeals and Hearings***: Upon the filing of an appeal, pursuant to Rule XIV, Section 1, the Board shall review all material related to the City Manager's determination from which the appeal is taken. If the City Manager did not conduct an evidentiary hearing prior to making his determination, the Board may cause a hearing to be held for receipt of evidence bearing upon the issues. In cases where the Board shall deem it advisable to cause a hearing to be held, such hearing shall commence within twenty (20) work days after the decision to hold the hearing was made unless the appellant and the City agree to a later date. In any case where such a later hearing results from an appellant's request, the City shall in no way be prejudiced thereby. In all hearings, the applicable provisions of the Municipal Code and these rules shall apply.

Whenever a hearing is to be held, the Human Resources Manager shall notify the person requesting the hearing and the City Manager of the time and place of the hearing and shall publicly post at such places as the Board shall prescribe, a notice of the time and place of the hearing.

If the City Manager conducted or caused to be conducted an evidentiary hearing, the Board shall limit its review of any appeal to the record prepared from such hearing.

Upon the conclusion of a review or hearing, the Board shall cause its findings and recommendations to be prepared in writing. Such findings shall be signed and filed as a permanent record of the Board. The Human Resources Manager shall deliver a copy of such findings and recommendations to the appellant and the City Manager.

Any member of the Board may submit a minority or supplemental report which shall be filed as a permanent record of the Board.

RULE XV

APPEALS AND HEARINGS

Provisions of this Rule do not apply to classifications represented by the San Leandro City Employees' Association, the San Leandro Management Organization, the San Leandro Police Management Unit and the San Leandro Police Officers' Association if otherwise expressly contained in their respective Memorandum of Understanding. The following provisions otherwise apply to all City employment classifications.

Section 1. **Complaints:** Any employee shall have the right to appeal to the Board after exhausting administrative procedures relative to inquiries or complaints affecting his/her employment status or conditions of employment within thirty (30) days of the alleged act, except in instances where the right of appeal is prohibited by these rules or where relief is available per a Memorandum of Understanding to which employees are a party. The employee may appear before the Board at any of its public meetings to request a hearing of a complaint; such complaint shall be filed in writing with the Board. It shall be the duty of the Executive Secretary of the Personnel Relations Board to inform each person against whom a complaint has been filed. After gathering all pertinent facts and investigating the matter, the Board will prepare its findings and recommendations to administrative actions taken.

Section 2. **Investigations and Hearings:** Upon the making of any complaint, the Board shall investigate the issue as it deems necessary. In cases where the Board determines that a hearing should be held, such hearing shall begin within twenty (20) work days after the request for or decision to hold the hearing was made, unless the appellant and the City agree to a later hearing. In any case where such a later hearing results from an appellant's request, the City shall in no way be prejudiced thereby. In all hearings the applicable provisions of the Municipal Code and these rules shall apply.

If a hearing is to be held, the Human Resources Manager shall notify the person requesting the hearing and the City official from whose action the appeal is being taken, of the time and place of the hearing and shall publicly post at such places as the Board shall prescribe, a notice of the time and place of the hearing.

Unless incapacitated, the person making the complaint shall appear personally before the Board at the hearing.

Upon the conclusion of any investigation or hearing, the Board shall cause its findings and recommendations to be prepared in writing. Such findings shall be signed and filed as a permanent record of the Board. The Human Resources Manager shall deliver a copy of such findings and recommendations to the officer or employee affected by such findings and recommendations, or from whose action the appeal was taken.

Any member of the Board may submit a minority or supplemental report which shall be filed as a permanent record of the Board.

RULE XVI

TRAINING OF EMPLOYEES

Section 1. **Responsibility for Training:** Responsibility for employee development and formal training shall be assumed jointly by the City Council, the Board, Human Resources Manager, department heads and supervisors. Such training may include on-the-job assistance, occupational counseling, lecture courses, demonstrations, assignment of reading matter or such other devices as may be available for the purpose of improving the effectiveness and broadening of knowledge of municipal officers and employees in the performance of their respective duties.

Section 2. ***Credit for Training:*** Participation in and successful completion of special training courses may be considered in making assignments and promotions. Evidence of such activity may be filed in the employee's personnel file.

RULE XVII

REPORTS AND RECORDS

Section 1. ***Personnel File:*** The Human Resources Manager shall maintain a personnel file for each employee in the service of the City showing the name, title of position held, the department to which assigned, pay, changes in employment status, and such other information as may be considered pertinent. For sworn employees, the official personnel file shall be maintained by the Police Department.

Section 2. ***Change of Status Report:*** Every appointment, transfer, promotion or demotion shall be reported to the Board by the Human Resources Manager.

Section 3. ***Destruction of Records:*** Records relating to personnel, including correspondence, applications, examinations and reports, shall be destroyed in accordance with the City's records retention management policy.
